

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-2, 4-5, 19-20, 22-23, drawn to an adjustable star wheel.

Group II, claim(s) 6-10, 13, 25-26, 28, drawn to an adjustable star wheel.

Group III, claim(s) 52, 54-57, drawn to guide rail assembly.

Group IV, claim(s) 58, drawn to a star wheel conveyor.

Group V, claim(s) 59-62, 65-66, 71, 73-74, 78, 82, drawn to a star wheel conveyor.

Group VI, claim(s) 83, drawn to an automated handling line.

Group VII, claim(s) 87, drawn to an automated handling line.

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Groups I-VII lack unity of invention because even though the inventions of these groups require the technical feature of the adjustable star wheel and/or the guide rail, these technical features are not special technical features as they do not make a contribution over the prior art in view of EP 0 366 225 and US 5,291,988 as is made clear by the international search report in the parent application. Specifically, EP 0 366 225 shows an adjustable star wheel with all the star wheel structure required by independent claims 1, 6, 58, 59, 83, and 87 and US 5,291,225 shows guide rail with all the guide rail structure required by claims 52, 58, 59, 83, and 87 and therefore the linking technical features are not the features that make a contribution over the prior art as required by PCT Rule 13.2.

3. A telephone call was made to customer number 00757 on January 13, 2010 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. DEUBLE whose telephone number is (571)272-6912. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A. Deuble/
Primary Examiner
Art Unit 3651

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